

CV-17-HA-0053-ME

Jury Trial Demanded

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMAFILED
10 JAN 12 PM 3:37
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMAInmate Identification Number: #291560Brent Jacoby(Enter above the full name of the plaintiff
in this action)

NOTICE TO FILING PARTY

It is your responsibility to
notify the clerk in writing of any
address change.Failure to notify the clerk may
result in dismissal of your case
without further notice.

vs.

~~Commissioner Dean~~, Pree Coordinator John/Jane Doe
~~Robert P. P. P. P.~~, T.J. Loggins, Officer Guthery, Justin,
Director Mercado, Mary Surrett,
Lt. Goody, Lt. Jones, Sgt. Truitt, Nurse Lynn, Dr. Wilson
(Enter above full name(s) of the defendant(s)
in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the
-
- same facts involved in this action or otherwise relating to your imprisonment?

Yes (✓)

No (✓)

HAVE FILED 1983 ACTIONS but not about
these claims.

- B. If the answer to (A) is "yes," describe each lawsuit in the space below. (If there is more
-
- than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the
-
- same outline.)

1. Parties to this previous lawsuit:

Plaintiff:

See Attached

Defendant(s):

2. Court (if Federal Court, name the district; if State Court, name the county)

3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. Place of present confinement Limestone Corr Inc.

A. Is there a prisoner grievance procedure in this institution?
Yes (☒) No (☒)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes (☒) No (☒)

C. If your answer is YES:

1. What steps did you take? I wrote complaints to Warden, medical staff Commissioner and even the governor
2. What was the result? No Results.

D. If your answer is NO, explain why not: State of Alabama
Dept. of Corr. does not have
a grievance procedure.

III. Parties.

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s)

Brent Jacoby #2915100

Address

28779 Nick Davis Rd
Harvest AL 35749

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant

See Attached

Is employed as

at

C. Additional Defendants

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

See Attached

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Order Injunctive Relief to help make
St. Clair a SAFER PLACE and Comply with
the D.O.J. and P.R.E.A. standards, Award
Damages against ALL Defendants Jointly and
Severally in Both Capacities for nominal, punitive
and Compensatory Damages. TRIAL By Jury is Demanded.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

Jan 8th 2017

SIGNATURE

ADDRESS

Brent Jacoby

28779 Hick DAVIS Rd
Harvest AL 35749

AIS #

291560

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A) Parties of Said 1983 Action

B) Defendants: officer Gauthery, Justin | Sgt. Truitt, Jonathan |
Lt. Jones, Russell | PREA officer Lt. Gordy "Compliance
Manager" | Cpt. GRAHAM | Nurse Lynn | Dr. Wilson

C) Defendants are employed at: St. Clair Corr. Fac.
1000 St Clair Rd Springville AL 35146

Claim #1) Failure to adequately investigate
investigate a Rape which violated my
Rights under the Prison Rape Elimination
Act as set forth by the United States
Department of Justice Final Rule 28 C.F.R.
Part 115 which also led to these said
Defendants violating my 8th Amendment
Rights to be free from Cruel and
unusual punishment and Failing;

Claim #2) Failing to provide adequate
medical care to a Rape Victim
which violated my 8th Amendment
Right to be free from Cruel and
unusual punishment and Failing;

Claim #3) Failing to provide me with
Access to the Courts and a Attorney

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which violated my 6th Amendment Right under the U.S.C. to Access the Courts and Fairing;

claim #4) Failure to provide due process for Administrative and Criminal prosecution which violated my 14th Amendment Right to Due process.

As to all 4 of the claims above defendants Defendants Guthery, Truitt, Jones, Gordy and Graham were employed at St. Clair prison, they all were aware of my Reported Rape, they were all aware of the Prison Rape Elimination Act and the Final Rule set out by the United States Dept. of Justice Prison and Jails Standards in conducting investigations and complying with the laws and Rules as they went into effect on May 17 2012.

Each and every one of these defendants as stated under (A) of the parties in this claim did violate my Rights under the United States Constitution and the C.F.R. part 115 in numerous respects as clearly stated in more detail Below;

#1) Between the 5th day of March 2016 and up to March 9 2016 Inmates Willie Jenkins and

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Ellis Diggs Did hold me hostage against my will, physically Beat me and tried to sell me, pissed on me and Recorded some of thier actions against me on a Cell phone.

#2) Willie Jenkins did force me to have oral Sex and Anal Sex with him several times from March 5 2016 up to March 9 2016 against my will

#3) on March 9 2016 A code WAS called in N-Block on 2 Side A3 and 5:00 pm due to a physical Altercation Between some inmates.

#4) Inmate Jenkins and Diggs (Known Crip Gang members) were involved in the physical Altercation and it WAS at this time I managed to escape and Run to the Shift office for help.

#5) I Reported being Raped, held hostage, beaten, extorted for \$ and that the 2 inmates were trying to Sell me for \$700.

#6) Sgt Truitt, Lt. Jones and Cpt. Corahm were the officials I had my Rape Situation Reported to. They Reported what happened to Dr.

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Wilson and Nurse Lynn (whom was the Nurse on Duty) and arrangements were made for me to be transferred to the United Way Rape Crises Center in Birmingham AL so that the nurse could do A Full Body exam, take tests, collect D.N.A. Samples and evidence FROM the Cloth I was wearing.

#7) I was in so much pain from the Rape and physical injuries to my head, Neck, Ribs, hand and ass that I was crying really bad, having a panic Attack and really scared of being retaliated against for snitching.

#8) Defendants Lynn, Truit and Jones kept trying to calm me down as we awaited officer Guthery to come get me and transport me to the Crises Center. As we were all waiting on Guthery Sgt Truitt and Lt Jones acted like they didn't believe me, they didn't want to be bothered and treated me very unprofessionally like I was the predator and not the victim of Abuse despite all the pain I was in bruises all over me and the Blood and Feces all over my pants.

#9) OFFICER Guthery eventually showed up and

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eventually walked me down the tunnel to the Back Gate of the prison where we waited on officer Payne to show up with the Van to transport me to the Crisis Center.

- #10) Officer Guthrie then stated I don't have a Belly Chain so I'm going to cuff you behind your Back and put Shackles on your feet. I started protesting that being secured in this fashion was hurting me really bad on my left side and my hand. He told me to "Relax" its only about an hour drive to the hospital.
- #11) During our whole van ride to the hospital it felt like a sharp pain in my side and like someone was standing on my hand. I complained and cried the whole time about the pain, how this means of transporting me was illegal and how I couldn't Breathe.
- #12) Once we got to the Hospital so that the SAME NURSE could perform the Rape tests collect evidence and physically examine me 2 of the NURSE asked Officer Guthrie to please Remove the Restraints so they could do the exam and pointed out to him that I was in OBVIOUS Pain.

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- #13) Guthery then got on the phone and called someone from the prison and told them that the nurses needed the restraints removed so that an exam could be conducted. He also stated that I was loud, crying and complaining of pain and wanted the cuffs to the front or taken off. Guthery hung up the phone and said No, that his boss said leave me fully restrained do the best you can and just cut off all his clothes and bring him back with something wrapped around him.
- #14) The nurses both stated that the exams could not be performed this way and that they were gonna write all this in their reports. Both nurses and I agreed that D.O.C. should gather my clothes once returned to the prison for D.N.A. samples and we left back to the prison.
- #15) However once I got back to the prison I was again treated like some suspect, a liar and accused of being intoxicated on some video from a phone that was confiscated from Willie Jenkins that allegedly had me screaming and crying in it.
- #16) No investigating officer looked Jenkins up for

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cell phone which is illegal in prison nor did either of these defendants lock him up for Beating me, Raping me, holding me against my will and trying to sell me. In Fact Neither Duggs nor Jenkins received any type of disciplinary action, went to lock up nor received any type of punishment.

#12) I was the one punished and locked up in a disciplinary Seg. Cell in a disciplinary Dorm on March 9, 2016 in my soiled clothes with D.M.A on them that not one single defendant decided to collect for evidence of Rape. Neither Dr. Wilson, Nurse Lyman, Cpt Graham, Sgt ~~Travis~~ Travis, Lt. Jones nor officer Gutherie (whom were all on duty and or aware of what happened to me) decided to get my Boxers, pants and shirt for evidence much less at least give me a Fresh set of clothes to put on.

#18) Instead officer Gutherie escorted me to lock up, put me in a cell with no property, mattress, sheets, hygiene products or any clothes and just left me there to sleep on a hard concrete slab in a filthy cell for a whole week.

#19) In Fact it wasn't until March 14th 2016 when I went to the seg Board in front of

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WARDEN Specks, Cpt. Malone, Lt North Cut, Someone From Mental Health and a Case Manager did anyone decide to do anything for me. It was on this 16th day of March 2016 that everyone at this Seg Board Seen me Battered and Bruised smelling like "CRAP" with soiled clothes all over me that Warden Specks ordered me to be seen by medical mental health and get my clothes and property to me in my cell.

#20) At No time did Defendant Gordy whom is the P.R.E.A. Compliance Manager at the prison adequately investigate my RAPE, gather evidence nor see to my well being and my placement in lock up status as her duties demanded under the PREA guidelines set forth by the Department of Justice until After the March 16th 2016 encounter with the Seg Board and Warden.

#21) At no time did Guthery, Pruitt, Jones nor Graham adequately investigate my allegations and see to my well being as the P.R.E.A. Guidelines mandate.

#22) At No time Did Dr Wilson nor Nurse Lynn have me called up to the infirmary to check on my well being nor did they even bother to collect my clothes for DNA Samples, Run any type of Rape tests or perform any type of check ups on me

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#23) IN FACT NEITHER DE WILSON, Nurse Lynn, Cpt. GATHAN, SGT. TRUITT, Lt. JONES, Lt GORDY and officer GUTHRIE did anything to see to it that the investigation was being adequately followed per the Prison Rape Elimination Act Final Rules set out by the U.S. Dept. of Justice. DNA WAS NOT COLLECTED, I never got a lawyer as I requested for the investigation process as was my right. I WAS JUST LEFT IN A disciplinary Block with no privileges, suffering in pain, Bruises and Broken Rib, no property and Bedding materials, hygiene products. I WAS LABELED a snitch and had to endure lies, urine and feces thrown on me in my cell.

#24) The PRCA Rules demand that Rape Victims that go to lock up for an investigation to be conducted get their privileges and rights while in lock up and transferred to another prison especially if the victim has been found out to have snitched.

#25) However I WAS JUST LEFT in lock up for Roughly 8 months because of having a hit out on my head for snitching on the 2 CRIP Gang members (Tenking and Duggs). I WAS NOT allowed to go to population for my own safety while at St. Clair Prison But Eventually I WAS transferred From St. Clair lock up to Crestone

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Prison lock up where up to this day I still sit in lock up.

#36) My Attacker Inmate Jenkins got to parole home and my other Attacker Diggs got transferred to Another High max prison due to alot of Gang Violence going on at St. Clair all within a 90 day period after I was held hostage, beaten and Raped but yet, Here I am, the Victim am still sitting in the lock up unit on Administrative Segregation with absolutely no explanations as to who has me still in lock up and why I haven't yet been released to population in another prison somewhere as the 28 C.F.R Part 115 demands under the Prison Rape Elimination Act.

A) Parties to said 1983 Action

B) Defendants Investigation and Intelligence Division
INV. Mary Surlett, INV Terry Loggans
and Director Arnaldo Mercado, PREA
Coordinator for the AL Dept. of Corr.
John/Jane Doe

C) Defendants Are Employed at. AL Dept. of Corr.
P.O.B. 301501
Montgomery AL 36130

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St. Clair Corr. Fac. 1000 St. Clair Rd.
Springville AL ~~35146~~ ³⁵¹⁴⁶

2)

Claim #1) Failure to adequately investigate
A Rape which violated my Right
under the Prison Rape Elimination
Act as set forth by the United
States Department of Justice
Final Rule 28 C.F.R. Part 115
which also led to these defendants
violating my Right to be free from
cruel and unusual Punishment under
The 8th Amendment of the U.S. Const.

Claim #2) Failure to provide me with
access to the Courts and an
Attorney which violated my Right
to Access the Courts

Claim #3) Failure to provide me with
Due process for Administrative
and Criminal proceedings/prosecution
which violated my 14th Amendment
Due process Rights under the U.S. Const.

AS to all 3 of these said claims above
Defendants John/Jane Doe, Mary Screttt, Terry

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Coggans and Arnaldo Mercado did violate my Rights under the 6th, 8th and 14th amendment of the U.S.C. and my Rights set forth by the Dept. of Justice 28 C.F.R. Part 115 by failing to adequately investigate my Rape, comply with the standards set out for Prisons and Jails to help eliminate Rape and provide me with an attorney for the investigation process, access the courts and provide me with Due process throughout the administrative and or possible criminal process. These said Claims are set out below in more Detail

- #1) On March 9, 2016 Inv. Surrency and Inv. Coggans were contacted by the prison staff that I had reported being held against my will, beaten and forced to perform sexual acts.
- #2) Sometime after my march 16th 2016 Segregation Board meeting Mary Surrency did finally come to see me at the prison to investigate the Rape.
- #3) Mary Surrency sat down with me sometime between March 17 through the 29th of March 2016 to speak with me about the Rape.

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It was at this time I told her how very disappointed I was in the investigation being mishandled, how nobody was taking me seriously, showed her all my Bruises and injuries to my Body and told her I wanted A Lawyer and was going to sue her and everyone involved for deliberately ignoring this matter and not following policies.

- #4) She documented that I wanted a lawyer when she advised me I had A right to counsel being present during the investigation she was conducting on me and our meeting ended on a very hostile note on "Both" our parts.
- #5) At no time after this encounter did I ever hear back from Surrency, Loggins nor Mercado about the investigation.
- #6) At no time did a Lawyer ever contact me about the investigation
- #7) Somehow or Another on or about March 29, 2016 Surrency and Loggins and Mercado (all 3 defendants) closed my case as unfounded.
- #8) Willie Jenkins went home on parole sometime

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in June 2016, Inmate Duggs transferred to another prison sometime in May or June 2016 and I was just left to rot in a cell on Administrative lock up still to this 8th day of Jan 2017.

- ix) The Final Rule set out by the United States Dept of Justice for Prison and Jail standards was set on May 17 2012 (28 C.F.R. part 115) and was designed to eliminate Prison Rape-
- x) However, even though Defendants knew of the new laws set out in the P.R.E.A. Every single one of these defendants failed to comply with the Rules in many different aspects-
- xi) Defendant John/Jane Doe failed to see to it, as the P.R.E.A Coordinator, that his staff were in compliance with the Final Rules. St. Clair did not have cameras up in place in the Blocks/POWs to help prevent some of the violence as the Final Rules demanded. He failed to see to it that enough officers were stationed in the prison to help prevent Rape and Violence and failed to adequately train his P.R.E.A officers and/or Jail staff on how to collect evidence and failed to make sure I was transferred to another Prison in a population

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Somewhere instead of Just Rotting in Lock up Somewhere

- #12) Defendants Loggins and Surrency failed to investigate my Rape Allegations in a timely manner as set forth in the 28 C.F.R. - Part 115 and Failed to collect DNA evidence, get information from myself so that a investigation could be adequately done and provide me with legal counsel.
- #13) Instead all said defendants treated me like I was the "predator" or "Bad Guy", botched the Evidence and investigation and Just act like nothing ever happened.
- #14) Facts show I was hampered from having a ~~exam~~ conducted and adequately finished, DNA samples ~~collected~~ by officers of the Jail.
- #15) I was Just left in a cell to Rot with no property, bed, clothes or anything except my soiled clothes. Not one time did Loggins or Surrency come see in a timely fashion instead I was left to suffer in pain, Battered and Bruised with Broken Rib and dislocated Finger with nothing being done, Evidence and DNA being let disappear and every single defendant

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hoping all this "mess" just disappears.

- #16) ~~HAD~~ defendants Surratt, Loggins and Mercedo from I & I and the PREA Coordinator Done their jobs, Followed the Rules under 28 CFR 115 and Adequately investigated my Claims of Rape Not only may I not of been held hostage Beaten and Raped to begin with but most importantly my Attacker wouldnt of gotten away with it.

IN THE UNITED STATES DISTRICT COURT
For the Northern District of ALABAMA

FILED
MAR 12 P 12:37
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

Brent Jacoby, #291560 Plaintiff,
v.

MARY SURRETT, Terry Loggins,
PREA Coordinator John/Jane Doe,
Lt. GORDY, Lt. Jones, Sgt Truitt,
Officer Justin Guthery, Dr. Wilson
Nurse Lynn, defendants,

claim #

42 U.S.C. 1983 CIVIL RIGHTS CLAIM

- #1 Previous lawsuits filed against these Defendants have not been Filed pertaining to these Submitted Claims
- #2) Plaintiff has filed lawsuits in Federal Court Relating to his imprisonment. Lawsuits are AS Filed;
 - A) Jacoby v. Baldwin County et.al., #12-CV-0197 (S.D. AL 2012) Lost on Summary Judgment
 - B) Jacoby v. Baldwin County et.al. # 12-CV-0366 (S.D. AL 2012) Awaiting TRIAL
 - C) Jacoby v. Baldwin County et.al., # 12-CV-0640 (S.D. AL 2012) Lost on Summary Judgment.

- D) Jacoby V. Huey Hoss Mack et al., #13-CV-0070
(S.D. AL 2013) Lost on Summary Judgment, Awaiting 11th Cir. Rev.
 - E) Jacoby V. Commissioner Thomas et al. #15-CV-367
(M.D. AL 2015) Awaiting Summary Judgment Decision
 - F) Jacoby V. Comm. Dunn, et al. #15-CV-382 (M.D. AL 2015)
Awaiting Summary Judgment Decision.
 - G) Jacoby V. Dr. Peasant #15-CV-461 (M.D. AL 2015)
awaiting Summary Judgment Decision.
 - H) Jacoby V. Karla Jones #15-CV-543 (M.D. AL 2015)
Awaiting Summary Judgment Decision
 - I) Jacoby V. Oneida County N.Y. #5-CV-1254
(N.D. NY 2005) Settled out of Court
 - J) Jacoby V. Buncombe Cnty Drug Court. #
(W.D. NC 2008) Dismissed at Screening Stage Failure to State Claim
 - K) Jacoby V. Mosicki #7-CV-342 (W.D. NY 2008)
Lost at Screening Stage Failure to State Claim
 - L) Jacoby V. Sears #7-CV-0872 (N.D. NY 2011)
Settled out of Court
 - M) Jacoby V. Carter #16-0728 (N.D. AL 2016)
Awaiting Summary Judgment Decision
 - N) Jacoby V. Commissioner Dunn #16-CV-1153
(N.D. AL 2016) Awaiting Service Process for
Filing Fee to be accepted.
 - O) Jacoby V. Fischer #10-CV-920 (W.D. NY. 2013)
Lost on Summary Judgment
- * I only have 2 strikes at Screening Stage and to the best of my knowledge this is my history.*